

Uniform Complaint Procedures

What are the responsibilities of the complainant?

The complainant:

- ◆ Receives complaint procedures from the local agency (LA)
- ◆ Files a written complaint and follows the steps in the local complaint procedures
- ◆ May appeal within 15 days to the California Department of Education (CDE) for resolution if he or she is dissatisfied with the decision of the LA
- ◆ May appeal within 35 days to the State Superintendent of Public Instruction if he or she is dissatisfied with the determination of the CDE

What are the responsibilities of the local agency?

The local agency:

- ◆ Ensures compliance with applicable federal and state laws and regulations.
- ◆ Designates a staff member to be responsible for complaint resolution.
- ◆ Adopts complaint policies and procedures consistent with the *California Code of Regulations, Title 5, Sections 4600–4671*.

- ◆ Notifies, at least annually, parents, employees, committees, students, and other interested parties of local complaint procedures, including the opportunity to appeal the agency's decision. The notice must also advise recipients of any civil law legal remedies that may be available. The notice must be (a) in English; (b) in the primary language of the students when 15 percent or more of the students in a school speak that language; or (c) in the mode of communication of the recipient of the notice.

- ◆ Protects complainants from retaliation.

- ◆ Implements the following procedures:

1. Any individual, public agency, or organization alleging a violation of federal or state statutes **may** file a written complaint regarding specific programs with the LA.
2. Discrimination complaints **must** be filed with the LA or CDE by a person harmed or by a person on behalf of others. These complaints must be filed no later than six months from the occurrence or when first acknowledged. The LA and the CDE must protect the confidentiality of the parties and the facts related to the case.

- ◆ Resolves the complaint through mediation or investigation and completes a written report within 60 days of receipt of a complaint. The LA must give the filing party an opportunity to present evidence relevant to the complaint. The LA must also advise the complainant regarding rights of appeal to CDE within 15 days of receipt of the LA written report.

- ◆ Submits, on notification of an appeal, the following to CDE:
 1. The original complaint
 2. A copy of the LA decision
 3. A summary of the nature and extent of the mediation or investigation conducted by the local agency if not covered in the LA decision

4. A report of any action taken to resolve the complaint
 5. A copy of the LEA complaint procedures
 6. Such other relevant information as the State Superintendent may require
- ◆ May appeal within 35 days to the State Superintendent of Public Instruction if the LA or complainant is dissatisfied with the decision of the CDE.

What are the responsibilities of the California Department of Education?

The California Department of Education:

- ◆ Keeps a file for every written complaint received
- ◆ Refers each complaint to the LA for resolution when appropriate
- ◆ Requests a report of the LA's action when appropriate
- ◆ Conducts a mediation or investigation when:
 1. The LA fails to act within 60 days or an agreed-upon time line.
 2. A complainant appeals an LA decision.
 3. The Department determines that direct intervention is necessary.
- ◆ Requires corrective action by the LA concerning compliance issues identified through investigations of complaints
- ◆ Provides technical assistance to correct compliance issues

Contact Persons for Programs and Services Covered Under Uniform Complaint Procedures

<i>Program</i>	<i>Contact</i>	<i>Telephone number</i>
Adult Education	Mary Tobias Weaver	(916) 323-1117
Child Development , including the following: Alternative Payment Protective Services Campus Resource and Referral County Welfare School-Age (Latchkey) Exceptional Needs School-Age Parent General Severely Handicapped Family Child Care Homes State Preschool Migrant	Burk Angel Terry Miller	(916) 327-4326 (916) 323-1306
National School Lunch Program; Nutrition Services Program; Adult Care Food Program; and Summer Food Program	Joy Salvetti Wolfe	(916) 322-8316
Consolidated Categorical Aid , including the following: California Professional Development Economic Impact Aid—State Compensatory Education (EIA/SCE) Economic Impact Aid—State Program for Students of Limited English Proficiency (EIA/LEP) Improving America's Schools Act, Titles I, II, IV, and VI Miller-Unruh Special Reading School-Based Coordinated School Improvement Tenth-Grade Counseling	Categorical Programs Complaints Management Unit	(916) 657-3630
Indian Education	Andrew Andreoli	(916) 657-5450
Migrant Education	Manuel R. Alfaro	(916) 657-4294
Special Education	Procedural Safeguards and Referral Services Unit	(916) 445-4632 (800) 926-0648
Vocational Education	Doug Mahr	(916) 657-5405
<i>Service</i>	<i>Contact</i>	<i>Telephone number</i>
Nondiscrimination Requirements and Civil Rights Protections, Office of Equal Opportunity	Sharon Felix-Rochon	(916) 657-4562

For additional general information on uniform complaint procedures, contact Howie DeLane, Categorical Programs Complaints Management, California Department of Education, P.O. Box 944272, Sacramento, CA 94244-2720; telephone (916) 657-3630, or visit our web site at <http://www.cde.ca.gov/ccpdiv>.

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Authorized by

*California Code of Regulations,
Title 5, Sections 4600–4671*

